IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 19797 of 2007(F)

PETITIONER:

ASHOK LEYLAND FINANCE,
(A DIVISION OF INDUSIND BANK), SHALOM TOWERS,
N.H.BY-PASS NORTH END, EDAPPALLY, KOCHI-24,
REPRESENTED BY MR.SHEEN JOSE, LEGAL EXECUTIVE AND
POWER OF ATTORNEY HOLDER OF THE
JOINT MANAGING DIRECTOR.

BY ADV. SRI.P.N.SASIDHARAN

RESPONDENTS:
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1. **THE REGIONAL TRANSPORT OFFICER,**
   PATHANAMTHITTA.

2. **STATE OF KERALA,**
   REPRESENTED BY ITS CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT.

3. **ASHOK KUMAR P.R.,**
   HIGHLIGHT CHITTY FUND,
   MANGARAM P.O., KONNI, PATHANAMTHITTA DIST.

4. **SMITHA ASHOK, W/O ASHOK KUMAR,**
   HIGHLIGHT CHITTY FUND,
   MANGARAM P.O., KONNI,
   PATHANAMTHITTA DIST.

BY ADV. SRI.M.T.SURESHKUMAR
SRI.R.RENJITH
BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 19797/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE POWER OF ATTORNEY EXECUTED BY THE JOINT MANAGING DIRECTOR IN FAVOUR OF THE LEGAL OFFICER SHEEN JOSE.

EXT.P2:- COPY OF THE LOAN AGREEMENT BEARING NO. ELP0006C DT. 26.8.04.

EXT.P3:- COPY OF THE LETTER DT. 31.10.05 SENT TO THE SUB INSPECTOR OF POLICE KONNI POLICE STATION BY THE PETITIONER.

EXT.P4:- COPY OF THE LETTER NO.R3/37465/06/PTA DT. 22.5.07 SENT BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P5:_ COPY OF THE FINAL REPORT DT. 23.6.05 SUBMITTED BY THE CIRCLE INSPECTOR OF POLICE KONNI BEFORE THE JUDICIAL 1ST CLASS MAGISTRATE COURT PATHANAMTHITTA.

EXT.P6:- COPY OF THE STATEMENT OF ACCOUNTS AS ON 16.6.07 WITH RESPECT TO THE CAR LOAN ACCOUNT OF THE 3RD RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE

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W.P.(C) NO. 19797/2007

APPENDIX

PETITIONER'S EXHIBITS

ANTONY DOMINIC, J.

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W.P.(C) No. 19797 OF 2007 F
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Dated this the 6th September, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 1st respondent to issue a fresh Certificate of Registration for the Maruti Zen Vxi car, bearing registration No. KL/3L/5497 to the petitioner.

2. During the course of the hearing it is submitted that the vehicle in question was involved in Sessions Case No. 2/2006 and that the 3rd respondent, its registered owner, had got the vehicle released from court on temporary custody. It is submitted that while the vehicle was in his custody the petitioner, being the financier, had re-possessed the same. It is at that stage that the writ petition is filed by the financier with the prayers mentioned above.

3. Since the vehicle is involved in a sessions case and that the vehicle was released only under the orders of the court it is not proper for this Court to direct the respondents to issue fresh Registration Certificate as sought by the writ petitioner. However,

it will be open to the writ petitioner if it is so desirous, to move an appropriate application before the sessions court. If an application is so made, it is upto the court to consider and pass orders in accordance with law.

With these observations, this writ petition is disposed of.

ANTONY DOMINIC
JUDGE

jan/-